



2016 SEP 29 AM 11:11
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BLVD
LENEXA, KANSAS 66219

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2016-0033

This ESA is issued to: National Beef Packing Company, LLC. – Dodge City
At: 2000 East Trail Street, Dodge City, Kansas 67801
for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA) and National Beef Packing Company, LLC. – Dodge City (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(B)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

The Complainant, by delegation of the Administrator of EPA, is the Director of the Air, and Waste Management Division. The Respondent is National Beef Packing Company, LLC. – Dodge City, 2000 East Trail Street, Dodge City, Kansas 67801.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. §7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policy entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provision, 40 C.F.R. Part 68," dated January 5, 2004, are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

On June 9-10, 2015, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility located at 2000 East Trail Street, Dodge City, Kansas, to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that the Respondent had violated regulations implementing Section 112(r) of the CAA by failing to comply with the regulations as noted on the enclosed Risk Management Program Inspection Findings (RMP Findings), which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the

entire record, the parties enter into the ESA in order to settle the violations, described in the enclosed RMP Findings, for the total penalty amount of **\$10,850**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the RMP Findings, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the enclosed RMP Findings and has sent a cashier's check or certified check (payable to the "United States Treasury") in the amount of **\$10,850** in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The Docket Number of this ESA is CAA-07-2016-0033, and must be included on the check.

This original ESA, a copy of the completed RMP Findings, and a copy of the check must be sent by certified mail to:

Krystal Stotts
Chemical & Oil Release Prevention Branch
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd
Lenexa, Kansas 66219.

In the Matter of National Beef Packing Company, LLC- Dodge City
Docket No. CAA-07-2016-0033

Page 4 of 6

FOR RESPONDENT:


(Sign) Bret G. Wilson

Date: 9/22/16

Name (print): BRET G. WILSON

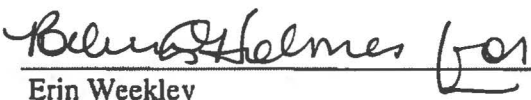
Title (print): VICE PRESIDENT & GENERAL COUNSEL
National Beef Packing Company, LLC- Dodge City

FOR COMPLAINANT:



for Becky Weber
Director
Air and Waste Management Division
EPA Region 7

Date: 9/28/16



Erin Weekley
Assistant Regional Counsel
Office of Regional Counsel
EPA Region 7

Date: 9/28/16

In the Matter of National Beef Packing Company, LLC- Dodge City
Docket No. CAA-07-2016-0033

Page 6 of 6

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date: Sept. 29, 2016

Risk Management Program Inspection Findings
CAA § 112(r) Violations

National Beef Packing Company, LLC, Dodge City
2000 East Trail Street
Dodge City, Kansas 67801
Docket No. CAA-07-2016-0033

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS

PENALTY AMOUNT

Hazard Assessment \$600
Defining Off-Site Impacts-- Population [§ 68.30(c)]
The owner or operator failed to use the most recent Census data, or other updated information to estimate population. Specifically, the Census data documentation submitted is from 1990.

Facility addressed this post inspection

Hazard Assessment \$5000
Review and Update [§ 68.36(b)]
The owner or operator failed to complete a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more.

How was this addressed:

A revised RMP was submitted via the Central Data Exchange (CDX) system on July 15, 2016.
A hard copy of that submittal is included in Attachment A.

Prevention Program \$600
Safety Information [§ 68.65(c)(1)(iii)]
The owner or operator failed to provide written information completely documenting its maximum intended inventory.

Facility addressed this post inspection

Prevention Program \$600
Safety Information [§ 68.65(d)(1)(v)]
The owner or operator failed to provide written documentation of its ventilation system design.

Facility addressed this post inspection

Prevention Program \$600
Safety Information [§68.65(d)(1)(viii)]
The owner or operator failed to provide written documentation of its safety systems.

Facility addressed this post inspection

Prevention Program \$1200
Process Hazard Analysis [§ 68.67(c)(2) & 68.67(c)(5)]
The owner or operator failed to identify incidents that had a likely potential for catastrophic consequences and document the stationary source siting.

Facility addressed this post inspection

Prevention Program \$600
Process Hazard Analysis [§ 68.67(d)]
The owner or operator failed to document that the PHA was performed by a team with expertise in engineering and process operations and that the team consisted of at least one employee who has experience and knowledge specific to the process being evaluated and the method being used.

Facility addressed this post inspection

Prevention Program \$300
Management Of Change [§ 68.75(b)(4)]
The owner or operator failed to document a necessary time period for the change prior to any changes.

Facility addressed this post inspection

Prevention Program \$600
Incident Investigations [§ 68.81(b)]
The owner or operator failed to initiate all incident investigations not later than 48 hours following the incident.

Facility addressed this post inspection

Emergency Response \$750

Emergency Response[§ 68.95(a)(1)(ii)]

The owner or operator failed to document proper first-aid and emergency medical treatment necessary to treat accidental human exposures. Specifically, there was no documentation of how the responders would respond if someone was exposed to the regulated substance. Also, there was no documentation of any first-aid procedures.

How was this addressed:

The Standard Operating Procedure (SOP) for responding to a release has been updated to include proper first-aid and emergency medical treatment necessary to treat accidental human exposures. The SOP has been incorporated into the facility Emergency Response Plan and is included in Attachment B.

Total Unadjusted Penalty

\$10,850

Calculation of Adjusted Penalty

- 1st Reference the multipliers for calculating proposed penalties for violations found during RMP inspection matrix. Finding the row for number of employees >100 and column for >10 times the threshold quantity of 10,000 pounds of anhydrous ammonia as listed in 40 C.F.R. Part 68.130 for the amount in a process gives a multiplier factor of 1.0. Therefore, the multiplier for National Beef Packing Company, LLC – Dodge City = 1.0.
- 2nd Adjusted Penalty = \$10,850 (Unadjusted Penalty) X 1.0 (Size-Threshold Multiplier)
Adjusted Penalty = \$10,850.
- 3rd An Adjusted Penalty of \$10,850 would be assessed to National Beef Packing Company, LLC – Dodge City for violations found during the RMP Compliance Inspection. This amount will be found in the ESA.

Total Adjusted Penalty

\$10,850

This section must be also be completed and signed by National Beef Packing Company, LLC – Dodge City:

The approximate cost to correct the above items: \$ 36,000.00

Compliance staff name: William A. Ludwig, Jr.

Signed: William A. Ludwig, Jr. Date: 9/22/2016

Attachment A

July 15, 2016 RMP Submittal

Section 1. Registration Information

Reason for Resubmission	Revised PHA/Hazard Review due to process change (40 CFR 68.190(b)(5))
1.1 Source Identification	
1.1.a. Facility Name	National Beef Packing Company, LLC, Dodge City
1.1.b. Parent Company #1 Name	
1.1.c. Parent Company #2 Name	
1.2 EPA Facility Identifier	100000129675
1.3 Other EPA Systems Facility Identifier	67801KYPLN2000E
1.4 Dun and Bradstreet Numbers (DUNS)	
1.4.a. Facility DUNS	837563964
1.4.b. Parent Company #1 DUNS	
1.4.c. Parent Company #2 DUNS	
1.5 Facility Location	
1.5.a. Street - Line 1	2000 East Trail Street
1.5.b. Street - Line 2	
1.5.c. City	Dodge City
1.5.d. State	KS
1.5.e. Zip Code - Zip +4 Code	67801-0539
1.5.f. County	FORD
1.5.g. Facility Latitude (in decimal degrees)	37.748000
1.5.h. Facility Longitude (in decimal degrees)	-099.984806
1.5.i. Method for determining Lat/Long	Address Matching - House Number
1.5.j. Description of location identified by Lat/Long	Plant Entrance (General)
1.5.k. Horizontal Accuracy Measure (meters)	1
1.5.l. Horizontal Reference Datum Code	North American Datum of 1983
1.5.m. Source Map Scale Number	
1.6 Owner or Operator	
1.6.a. Name	National Beef Packing Company, LLC
1.6.b. Phone	(816) 713-8500
1.6.c. Street - Line 1	12200 N. Ambassador Drive
1.6.d. Street - Line 2	Dept 200
1.6.e. City	Kansas City
1.6.f. State	MO
1.6.g. Zip Code - Zip +4 Code	64163-1244
Foreign Country	
Foreign State/Province	
Foreign Zip/Postal Code	
1.7 Name, title and email address of person or position responsible for RMP (part 68) implementation	
1.7.a. Name of person	Kris Ragan
1.7.b. Title of person or position	Vice Pres - General Manager
1.7.c. Email address of person or position	timothy.ragan@nationalbeef.com

Section 1. Registration Information

1.8 Emergency Contact	
1.8.a. Name	Brandon Hatfield
1.8.b. Title of person or position	Health & Safety Dept
1.8.c. Phone	(620) 338-4241
1.8.d. 24-Hour Phone	(620) 521-1717
1.8.e. 24-Hour Phone Extension/PIN #	
1.8.f. Email address for emergency contact	brandon.hatfield@nationalbeef.com
1.9 Other Points of Contact	
1.9.a. Facility or Parent Company E-mail Address	bud.ludwig@nationalbeef.com
1.9.b. Facility Public Contact Phone Number	(816) 713-8552
1.9.c. Facility or Parent Company WWW Homepage Address	
1.10 Local Emergency Planning Committee (LEPC)	Ford County LEPC
1.11 Number of fulltime equivalent (FTEs) employees on site	3002
1.12 Covered by	
1.12.a. OSHA PSM	Y
1.12.b. EPCRA section 302	Y
1.12.c. CAA Title V Air Operating Permit Program	Y
1.12.d. Air Operating Permit ID #	0570013
1.13 OSHA Star or Merit Ranking	
1.14 Last Safety Inspection (by an External Agency) Date	10/08/2015
1.15 Last Safety Inspection Performed by an External Agency	OSHA
1.16 Will this RMP involve Predictive Filing?	
1.18 RMP Preparer Information	
1.18.a. Name	
1.18.b. Phone	
1.18.c. Street - Line 1	
1.18.d. Street - Line 2	
1.18.e. City	
1.18.f. State	
1.18.g. Zip	
Foreign Country	
Foreign State/Province	
Foreign Zip Code	

Section 1. Registration Information

Section 1.17 Process Specific Information

Process 1

Process ID #	1000073510		
Process Description	Ammonia Refrigeration		
1.17.a. Program Level	3		
1.17.b. NAICS Code(s)	311611 (Animal (except Poultry) Slaughtering)		
1.17.c. Chemical(s)			
	Chemical Name	CAS Number	Quantity
	Ammonia (anhydrous)	7664-41-7	297500

Section 2. Toxics: Worst Case

Scenario 1

Process Name	Ammonia Refrigeration
2.1 Chemical	
2.1.a. Name	Ammonia (anhydrous)
2.1.b. Percent Weight of Chemical	100
2.2 Physical State	Liquid
2.3 Model Used	EPA's RMP*Comp(TM)
2.4 Scenario	Liquid spill and vaporization
2.5 Quantity Released (lbs)	63507
2.6 Release Rate (lbs/min)	6350
2.7 Release Duration (mins)	10
2.8 Wind Speed (meters/sec)	1.5
2.9 Atmospheric stability class	F
2.10 Topography	Rural
2.11 Distance to endpoint (miles)	4.4
2.12 Estimated residential population within distance to endpoint (numbers)	29408
2.13 Public receptors within distance to endpoint	
2.13.a. Schools	Y
2.13.b. Residences	Y
2.13.c. Hospitals	Y
2.13.d. Prison/Correctional Facilities	Y
2.13.e. Recreational Areas	Y
2.13.f. Major commercial, office or industrial areas	Y
2.13.g. Other	
2.14 Environmental receptors within distance to endpoint	
2.14.a. National or State Parks, Forests or Monuments	
2.14.b. Officially Designated Wildlife Sanctuaries, Preserves or Refuges	
2.14.c. Federal Wilderness Area	
2.14.d. Other	National Register of Historic Sites
2.15 Passive mitigation considered	
2.15.a. Dikes	
2.15.b. Enclosures	
2.15.c. Berms	
2.15.d. Drains	
2.15.e. Sumps	
2.15.f. Other	
2.16 Graphic file	

Section 3. Toxics: Alternative Release

Scenario 1

Process Name	Ammonia Refrigeration
3.1 Chemical	
3.1.a. Name	Ammonia (anhydrous)
3.1.b. Percent Weight of Chemical	100
3.2 Physical State	Liquid
3.3 Model Used	EPA's RMP*Comp(TM)
3.4 Scenario	Pipe leak
3.5 Quantity Released (lbs)	3760
3.6 Release Rate (lbs/min)	125.2
3.7 Release Duration (mins)	30
3.8 Wind Speed (meters/sec)	3
3.9 Atmospheric stability class	D
3.10 Topography	Rural
3.11 Distance to endpoint (miles)	0.2
3.12 Estimated residential population within distance to endpoint (numbers)	10
3.13 Public receptors within distance to endpoint	
3.13.a. Schools	
3.13.b. Residences	
3.13.c. Hospitals	
3.13.d. Prison/Correctional Facilities	
3.13.e. Recreational Areas	
3.13.f. Major commercial, office or industrial areas	Y
3.13.g. Other	
3.14 Environmental receptors within distance to endpoint	
3.14.a. National or State Parks, Forests or Monuments	
3.14.b. Officially Designated Wildlife Sanctuaries, Preserves or Refuges	
3.14.c. Federal Wilderness Area	
3.14.d. Other	
3.15 Passive mitigation considered	
3.15.a. Dikes	
3.15.b. Enclosures	Y
3.15.c. Berms	
3.15.d. Drains	
3.15.e. Sumps	
3.15.f. Other	
3.16 Active mitigation considered	
3.16.a. Sprinkler systems	
3.16.b. Deluge systems	
3.16.c. Water curtain	
3.16.d. Neutralization	
3.16.e. Excess flow valve	

Section 3. Toxics: Alternative Release

3.16.f. Flares	
3.16.g. Scrubbers	
3.16.h. Emergency shutdown systems	
3.16.i. Other	
3.17 Graphic file	

Section 6. Five-Year Accident History

Accident 1

6.1 Date of accident		12/22/2013		
6.2 Time accident began		4:00 PM		
6.3 NAICS Code of process involved		311611 (Animal (except Poultry) Slaughtering)		
6.4 Release duration		2 Hours 0 Mins		
6.5 Chemicals involved				
	Chemical Name	CAS Number	Quantity released (lbs)	Percent weight of chemical
	Ammonia (anhydrous)	7664-41-7	1	100
6.6 Release Event				
6.6.a. Gas release		Y		
6.6.b. Liquid spills/evaporation				
6.6.c. Fire				
6.6.d. Explosion				
6.6.e. Uncontrolled/Runaway reaction				
6.7 Release Source				
6.7.a. Storage vessel				
6.7.b. Piping				
6.7.c. Process vessel				
6.7.d. Transfer hose				
6.7.e. Valve				
6.7.f. Pump				
6.7.g. Joint				
6.7.h. Other		Evaporator Coil		
6.8 Weather conditions at time of event				
6.8.a. Wind speed and direction		1 miles/hr NW		
6.8.b. Temperature (F)		34		
6.8.c. Atmospheric stability class		E		
6.8.d. Precipitation present				
6.8.e. Unknown weather conditions				
6.9 On-site Impacts				
	Employees or contractors	Public responders	Public	
6.9.a. Deaths	0	0	0	
6.9.b. Injuries	2	0	0	
6.9.c. Property damage (\$)	0			
6.10 Known off-site impacts				
6.10.a. Deaths		0		
6.10.b. Hospitalizations		0		
6.10.c. Other medical treatments		0		
6.10.d. Evacuated		0		
6.10.e. Sheltered-in-place		0		
6.10.f. Property damage (\$)		0		

Section 6. Five-Year Accident History

6.10.g. Environmental damage	
6.10.g.1. Fish or animal kills	
6.10.g.2. Tree, lawn, shrub or crop damage	
6.10.g.3. Water contamination	
6.10.g.4. Soil contamination	
6.10.g.5. Other	
6.11 Initiating event	Human error
6.12 Contributing factors	
6.12.a. Equipment failure	
6.12.b. Human error	
6.12.c. Improper procedures	
6.12.d. Overpressurization	
6.12.e. Upset condition	
6.12.f. By-pass condition	
6.12.g. Maintenance activity/inactivity	
6.12.h. Process design failure	
6.12.i. Unsuitable equipment	
6.12.j. Unusual weather conditions	
6.12.k. Management error	
6.12.l. Other	
6.13 Off-site responders notified	No, not notified
6.14 Changes introduced as a result of the accident	
6.14.a. Improved/upgraded equipment	
6.14.b. Revised maintenance	
6.14.c. Revised training	Y
6.14.d. Revised operating procedures	
6.14.e. New process controls	
6.14.f. New mitigation systems	
6.14.g. Revised emergency response plan	
6.14.h. Changed process	
6.14.i. Reduced inventory	
6.14.j. None	
6.14.k. Other	Improve up-front planning

Section 7. Prevention Program: Program Level 3

Program 1

Prevention Program Description: The refrigeration process at this facility includes three units and everything in the prevention program is applicable to this system.	
7.1 NAICS Code for process	
7.1.a. Process Name	1000073510 (Ammonia Refrigeration)
7.1.b. NAICS	311611 (Animal (except Poultry) Slaughtering)
7.2 Chemicals	
Ammonia (anhydrous)	
7.3 Date on which the safety information was last reviewed or revised	10/19/2015
7.4 Process Hazard Analysis (PHA)	
7.4.a. Date of last PHA or PHA update	10/19/2015
7.4.b. Technique used	
7.4.b.1. What if	
7.4.b.2. Checklist	
7.4.b.3. What if/Checklist Combined	Y
7.4.b.4. HAZOP	
7.4.b.5. Failure mode & effects analysis	
7.4.b.6. Fault tree analysis	
7.4.b.7. Other	
7.4.c. Expected or actual date of completion of all changes resulting from last PHA or PHA update	03/31/2017
7.4.d. Major hazards identified	
7.4.d.1. Toxic release	Y
7.4.d.2. Fire	
7.4.d.3. Explosion	Y
7.4.d.4. Runaway reaction	
7.4.d.5. Polymerization	
7.4.d.6. Overpressurization	Y
7.4.d.7. Corrosion	Y
7.4.d.8. Overfilling	Y
7.4.d.9. Contamination	Y
7.4.d.10. Equipment failure	Y
7.4.d.11. Loss of cooling, heating, electricity, instrument air	Y
7.4.d.12. Earthquake	Y
7.4.d.13. Floods	
7.4.d.14. Tornado	Y
7.4.d.15. Hurricanes	
7.4.d.16. Other	
7.4.e. Process controls in use	
7.4.e.1. Vents	Y
7.4.e.2. Relief valves	Y
7.4.e.3. Check valves	Y
7.4.e.4. Scrubbers	

Section 7. Prevention Program: Program Level 3

7.4.e.5. Flares	
7.4.e.6. Manual shutoffs	Y
7.4.e.7. Automatic shutoffs	Y
7.4.e.8. Interlocks	Y
7.4.e.9. Alarms and procedures	Y
7.4.e.10. Keyed bypass	
7.4.e.11. Emergency air supply	
7.4.e.12. Emergency power	Y
7.4.e.13. Backup pump	
7.4.e.14. Grounding equipment	
7.4.e.15. Inhibitor additions	
7.4.e.16. Rupture disks	
7.4.e.17. Excess flow device	
7.4.e.18. Quench system	
7.4.e.19. Purge system	Y
7.4.e.20. None	
7.4.e.21. Other	
7.4.f. Mitigation systems in use	
7.4.f.1. Sprinkler system	
7.4.f.2. Dikes	
7.4.f.3. Fire walls	
7.4.f.4. Blast walls	
7.4.f.5. Deluge system	
7.4.f.6. Water curtain	
7.4.f.7. Enclosure	Y
7.4.f.8. Neutralization	
7.4.f.9. None	
7.4.f.10. Other	
7.4.g. Monitoring/detection systems in use	
7.4.g.1. Process area detectors	Y
7.4.g.2. Perimeter monitors	
7.4.g.3. None	
7.4.g.4. Other	
7.4.h. Changes since last PHA update	
7.4.h.1. Reduction in chemical inventory	Y
7.4.h.2. Increase in chemical inventory	
7.4.h.3. Change in process parameters	
7.4.h.4. Installation of process controls	
7.4.h.5. Installation of process detection systems	
7.4.h.6. Installation of perimeter monitoring systems	
7.4.h.7. Installation of mitigation systems	
7.4.h.8. None recommended	
7.4.h.9. None	
7.4.h.10. Other	
7.5 Date of most recent review or revision of operating procedures	06/22/2016

Section 7. Prevention Program: Program Level 3

7.6 Training	
7.6.a. Date of most recent review or revision of training programs	06/28/2016
7.6.b. Type of training provided	
7.6.b.1. Classroom	Y
7.6.b.2. On the job	Y
7.6.b.3. Other	
7.6.c. Type of competency testing used	
7.6.c.1. Written test	Y
7.6.c.2. Oral test	Y
7.6.c.3. Demonstration	Y
7.6.c.4. Observation	Y
7.6.c.5. Other	
7.7 Maintenance	
7.7.a. Date of most recent review or revision of maintenance procedures	06/17/2015
7.7.b. Date of most recent equipment inspection or test	07/03/2016
7.7.c. Equipment most recently inspected or tested (equipment list)	Control Bank 59
7.8 Management of change	
7.8.a. Date of most recent changes that triggered management of change procedures	06/16/2016
7.8.b. Date of most recent review or revision of management of change procedures	06/17/2015
7.9 Date of most recent pre-startup review	10/31/2014
7.10 Compliance audits	
7.10.a. Date of most recent compliance audits	06/17/2015
7.10.b. Expected or actual date of completion of all changes resulting from the most recent compliance audits	03/31/2017
7.11 Incident investigation	
7.11.a. Date of most recent incident investigation	12/10/2015
7.11.b. Expected or actual date of completion of all changes resulting from the incident investigation	12/11/2015
7.12 Date of most recent review or revision of employee participation plans	06/17/2015
7.13 Date of most recent review or revision of hot work permit procedures	06/17/2015
7.14 Date of most recent review or revision of contractor safety procedures	06/17/2015
7.15 Date of most recent evaluation of contractor safety performance	06/27/2016

Section 9. Emergency Response

9.1 Written emergency response (ER) plan	
9.1.a. Is your facility included in the written community emergency response plan?	Y
9.1.b. Does your facility have its own written emergency response plan?	Y
9.2 Does your facility's ER plan include specific actions to be taken in response to accidental releases of regulated substances?	Y
9.3 Does your facility's ER plan include procedures for informing the public and local agencies responding to accidental releases?	Y
9.4 Does your facility's ER plan include information on emergency health care?	Y
9.5 Date of most recent review or update of your facility's ER plan	06/17/2015
9.6 Date of most recent ER training for your facility's employees	07/13/2016
9.7 Local agency with which your facility's ER plan or response activities are coordinated	
9.7.a. Name of agency	Ford County Fire Department
9.7.b. Phone number	(620) 227-4559
9.8 Subject to	
9.8.a. OSHA Regulations at 29 CFR 1910.38	Y
9.8.b. OSHA Regulations at 29 CFR 1910.120	Y
9.8.c. Clean Water Act Regulations at 40 CFR 112	Y
9.8.d. RCRA Regulations at 40 CFR 264, 265, 279.52	
9.8.e. OPA-90 Regulations at 40 CFR 112, 33 CFR 154, 49 CFR 194, 30 CFR 254	
9.8.f. State EPCRA Rules of Laws	Y
9.8.g. Other	

Executive Summary

NATIONAL BEEF PACKING CO., L.L.C. - DODGE CITY, KANSAS

1. EXECUTIVE SUMMARY

National Beef Packing Company, L.L.C. (National Beef) owns and operates a beef slaughter house and packing plant in Dodge City, Kansas. On site, National Beef has an ammonia refrigeration system which contains anhydrous ammonia, a regulated hazardous substance, for the refrigeration of meat at the facility. The maximum intended inventory of anhydrous ammonia on site is above the threshold quantity listed in 40 Code of Federal Regulations (CFR) 68.130.

Because the quantity of anhydrous ammonia exceeds the threshold quantity, National Beef is required to implement a Risk Management Program (RMP) at the Dodge City, Kansas plant which includes three (3) major elements: hazard assessment, prevention program, and emergency response program. The submission of the RMP Plan presents the details of the RMP compliance measures conducted by National Beef.

National Beef is also subject to OSHA's Process Safety Management Program (PSM). Based on the information presented in this program, National Beef is subject to Program Level 3 requirements of the RMP regulation.

1.1 Accidental Release Prevention and Emergency Response Policies

National Beef is committed to the protection of the safety, health, and environment in our routine operations and emergency responses. Our prevention and emergency response practices are developed to protect the public as well as our own employees. It is our policy to comply with applicable laws, and to support and work with local emergency response agencies. To implement this policy, the following plans are maintained and implemented at the Dodge City facility:

Emergency Response Plan
Process Safety Management (PSM) Program
Risk Management Program

These programs and procedures provide comprehensive planning for accidental and emergency situations.

1.2 Description of National Beef and the Regulated Substance Handled

The National Beef Packing Co., L.L.C. Dodge City, Kansas plant located at 2000 East Trail Street is a beef slaughter house and packing facility. Live cattle are received and slaughtered, and fresh meat is cut and packaged. The ammonia refrigeration system provides the necessary refrigeration of the meat. In addition, the ammonia refrigeration system is utilized to provide cooling for the plant itself. There are approximately 297,500 pounds of anhydrous ammonia located within the closed-loop ammonia refrigeration system.

1.3 The General Accidental Release Prevention Program and Chemical-Specific Prevention Steps

National Beef has specific process controls in-place to minimize the risks of spills. National Beef is subject to OSHA's Process Safety Management Program (PSM). National Beef has a preventative maintenance program in place to address maintenance of all vital parts of the ammonia refrigeration system. All inspection and testing procedures are addressed within this program. In addition, there are many safety controls installed within the system. These include an interlock system, relief and check valves, manual and automatic shutoffs and alarms located within the ammonia refrigeration system.

1.4 Five year Accident History

We have had one accidental release of ammonia in the past five years that is reportable under the Five-Year Accident History criteria. The release was well under the Reportable Quantity (RQ) for anhydrous ammonia. The release resulted in two minor employee injuries; no one offsite was injured or evacuated.

1.5 The Emergency Response Program

National Beef's emergency response policies summarize the actions to be taken in response to a chemical spill. In the event of a spill, National Beef will react with the proper actions as listed in the Emergency Response Plan in association with the local emergency response agencies. Local

Executive Summary

emergency responders are familiar with the facility and the hazards of release.

1.6 Planned Changes to Improve Safety

National Beef makes safety a first priority in its every day operations to ensure a safe working environment for all of its employees. National Beef is committed to continuously improving the facility's safety and working practices through the use of newly-identified protocols and through employee involvement and development.

A Process Hazard Assessment (PHA) was recently reviewed at the National Beef facility. A number of additional safeguards identified during the PHA have been, and will be, implemented to improve the safety of the anhydrous ammonia process as well as reduce the chances and magnitude of any anhydrous ammonia spill.

Attachment B

Standard Operating Procedure (SOP) for Emergency Response

National Beef Packing Company, L.L.C.
Dodge City, Kansas

**STANDARD OPERATING PROCEDURE FOR FIRST-AID AND EMERGENCY MEDICAL
TREATMENT NECESSARY TO TREAT ACCIDENTAL HUMAN EXPOSURES**

1. All spills and accidental releases will be managed according to the latest version of the Emergency Control Organization document as well as the Safety Data Sheet (SDS) for the specified chemical.
2. Injuries from hazardous materials incidents may vary depending on the manner of exposure (inhalation, ingestion or absorption), the type of materials involved and the amount of exposure (time and concentration). As such, this SOP focuses on a general approach to a human exposure.
3. The Initial Responder (HAZMAT Trained) is notified of a spill or release and any potential human exposures by plant personnel. The location of the spill, the likely material that may have been spilled or released, the type, number and extent of exposures and any other relevant information should be communicated to and gathered by the Initial Responder.
4. The Initial Responder shall contact a Backup Responder to let them know they are proceeding to the area of spill, release and/or exposure to investigate. The Backup Responder should be a member of the HAZMAT Team. The Initial Responder must inform the Backup Responder of the location and nature of the spill, release and/or exposure.
5. The Initial and Backup Responders shall proceed to the area of concern with a respirator and appropriate cartridge for possible hazardous material, properly calibrated atmospheric monitor, and appropriate PPE.
6. The Initial Responder and/or Backup Responder will assess the situation from a safe distance, and determine whether the response team can safely assist anyone who may have been exposed to the hazardous material or whether the response should be escalated and Incident Command should be initiated. The responder should follow all safety procedures and stay out of the area of a spill or release unless equipped to enter. Only trained, authorized, and equipped personnel may enter the area.
7. Should the Initial and/or Backup Responder encounter someone who may have been accidentally exposed to the hazardous material and it has been determined that it is safe to assist, the exposed person or persons should be removed from the vicinity of the spill or release to fresh air.
8. The Initial and/or Backup Responder shall notify NBP Infirmary of the exposure and the NBP Infirmary will call 9-1-1. If NBP Infirmary is unavailable, the plant personnel will call 9-1-1. NBP Infirmary or plant personnel, as appropriate, shall provide all necessary information for EMS and coordinate the facility response.
9. Properly trained plant personnel shall use CPR as appropriate; however, mouth to mouth method shall *not* be done if the victim ingested or inhaled the substance or substances.

10. Vomiting shall *not* be induced and no food or water shall be given following ingestion of a chemical unless advised by a medical professional.
11. The Initial and/or Backup Responder shall perform the following tasks:
 - Consult the applicable SDS for specific safety information.
 - Completely remove and isolate contaminated clothing and shoes.
 - In case of contact with the substance, immediately flush skin or eyes with running water for at least 20 minutes, depending on the chemical exposure.
 - Keep victim warm and quiet. Effects of contact or inhalation may be delayed.
 - Ensure that medical personnel arriving at the scene are aware of the material(s) involved and what decontamination procedures were followed.
 - Take precautions to protect themselves, including the use of proper personal protective equipment (PPE), see below.
12. Any attempt to isolate, contain, tighten a loose fitting, and/or packing gland etc. that is leaking or breached must be done while wearing the appropriate PPE to include face and eye protection, chemical resistant clothing and boots (if required), protective gloves (chemical, temperature), a cartridge mask suitable for the hazardous substance, or SCBA or Level A suit if needed. At least one other Responder must be present for any of these tasks to be performed.
13. Any time the atmospheric reading:
 - Is over the cartridge mask safe limits, or
 - Has an O₂ level less than 20.8 Percent, or
 - Is Immediately Dangerous to Life and Health (IDLH), or
 - Contains unsure concentrations of chemicals, or
 - Contains multiple chemicals in the release or spill,

then the responders must retreat and assemble the proper PPE, and HAZMAT team members for reentry, or try to isolate the leak/breach if possible, and then ventilate the area to a PPM concentration that will allow for entry into the area. HAZMAT personnel may decide at any time during an event to don SCBA equipment and a Level A suit.

IN THE MATTER Of National Beef Packing Company, LLC - Dodge City, Respondent
Docket No. CAA-07-2016-0033

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy emailed to Attorney for Complainant:

hoard.christine@epa.gov

Copy by First Class Mail to Respondent:

Bret G. Wilson
Vice President & General Counsel
National Beef Packing Company, LLC - Dodge City
2000 East Trail Street
Dodge City, Kansas 27801

Dated: 9/29/16



Kathy Robinson
Kathy Robinson
Hearing Clerk, Region 7